

## **Chapter 590: Peer-to-Peer Transportation Network Driver's License**

### **590.01 Regulation by the Vehicle for Hire Board**

### **590.02 Licensing Requirements of a Peer-to-Peer Transportation Network Driver**

### **590.03 Exemptions from a Peer-to-Peer Transportation Network Driver's License Requirement**

### **590.04 Application Information**

### **590.05 License Fee**

### **590.06 Issuance of License**

### **590.07 Expiration**

### **590.08 Renewal**

### **590.09 Transfer of Peer-to-Peer Transportation Network Driver's License**

### **590.10 Change of Address**

### **590.11 Driver Standards**

### **590.12 Peer-to-Peer Transportation Network Vehicle Standards**

### **590.13 Vehicle Inspections**

### **590.14 Grounds for Permanent Revocation, Revocation, and Suspension**

### **590.15 Suspension by Director**

### **590.16 Driving While Ohio Driver License is Suspended or Revoked**

### **590.17 Return of License**

### **590.18 Reapplications**

### **590.99 Penalties**

### **590.01 Regulation by the Vehicle for Hire Board**

The Board may promulgate rules and regulations to supplement this chapter. All rules and regulations promulgated by the Vehicle for Hire Board must be in writing and approved by the Director.

### **590.02 Licensing Requirements of a Peer-to-Peer Transportation Network Driver**

(a) No person shall solicit, arrange, dispatch, drive, operate, or otherwise be in physical control of any peer-to-peer transportation network vehicle for the purpose of carrying passengers for hire, gift, donation, or other consideration unless:

(1) The driver of such vehicle has obtained a City of Columbus Peer-to-Peer Transportation Network Driver's License issued pursuant to this Chapter prior to operation and such license is not under suspension or revocation;

(2) The Peer-to-Peer Transportation Network Company that the driver serves has obtained a City of Columbus Peer-to-Peer Transportation Network Company License issued pursuant to Chapter 588 prior to operation and such license is not under suspension or revocation; and

(3) The current decal issued by the License Section is clearly and properly displayed on the passenger side of the front and rear windshield of the approved vehicle.

(b) It shall be unlawful to license a peer-to-peer vehicle as a taxicab or livery vehicle as defined in Section 585.01.

### **590.03 Exemptions from a Peer-to-Peer Transportation Network Driver's License Requirement**

This chapter shall not apply to the following:

- (a) Vehicles and operations as provided in Section 585.02, taxicabs, livery vehicles, pedicabs, horse carriages, or to private vehicles used for the convenience of the owner or operator and not for compensation or as a portion of other services rendered or to be rendered for compensation; or
- (b) The peer-to-peer company has arranged transportation for a passenger that has been brought from outside Columbus' corporate limits and does not pick up any passengers within Columbus' corporate limits.

#### **590.04 Application Information**

(a) Applications for a Peer-to-Peer Transportation Network Driver's License shall be made to the Director upon forms provided by the License Section and shall set forth at a minimum:

- (1) The name, address, phone number, and email address of the applicant;
- (2) The make, model, year, color, and license plate of the vehicle that will be utilized as a peer-to-peer vehicle; and

(3) The seating capacity which shall be determined by the number of manufacturer installed safety belts or permanent fasteners and safety restraints for wheelchair specialty vehicles.

(b) Along with each application, all applicants shall set forth that the applicant is:

- (1) A citizen of the United States or a legal resident;
- (2) In possession of a valid Ohio Driver's License and has been a licensed driver for at least six (6) months prior to the application date;
- (3) Twenty-one (21) years of age or older; and
- (4) Able to speak, read, and write the English language.

(c) Along with each application, all applicants are required to submit:

- (1) A national, state, and local criminal background check which is based upon fingerprints from the Bureau of Criminal Identification and Investigations pursuant to Section 590.06, at a cost to the applicant;
- (2) A driver abstract from the Ohio Bureau of Motor Vehicles pursuant to Section 590.06, at a cost to the applicant;
- (3) On forms provided by the License Section, a completed vehicle mechanical inspection pursuant to Section 590.13;
- (4) Proof that the applicant is the registered owner, is named on the lease of the vehicle, or that the owner or lessee has granted permission to the applicant to utilize the vehicle as a peer-to-peer vehicle;
- (5) Proof of automobile insurance that complies with the minimum requirements established by the state of Ohio; and
- (6) A Letter of Good Standing from the City of Columbus Income Tax Division.

(d) The Director has the authority to request additional information to clarify the applicant's application when necessary.

(e) The Director is authorized to request medical information to ensure that the applicant does not have a physical or mental condition that would prevent the applicant from safely operating a peer-to-peer vehicle. If, upon review of the application, the Director has good cause to believe an applicant has a physical or mental condition that requires further review before a decision can be made, the Director is authorized to request an examination by a licensed physician. Failure of the applicant to comply with this request shall result in a denial of the license application.

(f) The Director has the authority to deny a license based upon a driver's conduct which constitutes a departure from the generally accepted practices of peer-to-peer drivers which

demonstrate personal characteristics rendering a person unsuitable to operate a peer-to-peer vehicle.

#### **590.05 License Fee**

Every peer-to-peer driver shall pay a fee of thirty-five dollars (\$35.00) with the submission of the driver's application. Any applicant who is denied a license shall have this fee returned.

Additional administrative fees may be assessed by the Director pursuant to the Director's authority to promulgate rules and regulations under Chapter 501.

#### **590.06 Issuance of License**

(a) If the Director determines that an applicant satisfies the requirements for operating a peer-to-peer vehicle, under the provisions of Chapter 585 through 594 and under the rules and regulations adopted by the Board pursuant to Section 585.07, the Director shall have the authority to issue the license upon payment of the proper fee(s) as provided in Section 590.05.

(b) No license shall be issued to any applicant that has been convicted of any of the following offenses within the past seven (7) years:

- (1) Operating, driving, or being in physical control of a vehicle while under the influence of alcohol, a drug of abuse, or the combined influence of alcohol and a drug of abuse;
- (2) Manslaughter or homicide of any degree resulting from the operation of a motor vehicle;
- (3) Any felony in which physical violence is used;
- (4) A felony, misdemeanor, or code violation involving a sex offense, trafficking in controlled substances, or any offense of violence as defined in Section 2301.01 of the Columbus City Code;
- (5) Any person convicted of a weapon violation; or
- (6) Any person convicted of failing to stop after an accident or collision.

(c) No license shall be issued to any applicant that is required to register with the Sheriff's Office in the person's county of residence as a sexual offender or sexual predator pursuant to Section 2950.03 of the Ohio Revised Code.

(d) No license shall be issued to any applicant who has accumulated more than eight (8) points on the applicant's Ohio Driver's License within the three (3) year period preceding the date of application.

(e) The Director shall review the application of the following persons prior to issuing a license and may require additional information and/or a personal appearance by the applicant:

- (1) Any person on probation or parole for a felony or aggravated felony at the time of application;
- (2) Any person released from a correctional facility within twelve (12) months from the date of application; or
- (3) Any person convicted of two (2) or more offenses relating to the illegal use or possession of drugs.

(f) Nothing in this Section shall be construed to limit the discretion of the Director to refuse to issue a license for these or other background related issues that may be outside of the above listed look back period.

(g) The Director shall have the authority to require up to four (4) hours of training or review relevant to the vehicle for hire industry as a prerequisite to the issuance or renewal of a Peer-to-Peer Transportation Network Driver's License. The applicant or licensee shall be responsible for any cost associated with this training.

### **590.07 Expiration**

Peer-to-Peer Transportation Network Driver's Licenses issued pursuant to this Chapter shall expire at midnight on June 30 of each year. At any time prior to the expiration of the Peer-to-Peer Transportation Network Driver's License, the peer-to-peer driver may voluntarily surrender the license to the License Section.

### **590.08 Renewal**

All peer-to-peer drivers licensed in accordance with the terms of Chapter 590 shall have their licenses renewed for each succeeding year if applicable fee requirements and other requirements of the Columbus City Codes are met. A renewal may be denied if a peer-to-peer driver's current license is suspended or revoked pursuant to the provisions of Section 590.14.

### **590.09 Transfer of Peer-to-Peer Transportation Network Driver's License**

No Peer-to-Peer Transportation Network Driver's License issued to a peer-to-peer driver shall be transferred from one (1) driver to another. If at any time the license holder chooses to no longer operate as a peer-to-peer driver, the Peer-to-Peer Driver's License shall revert back to the City of Columbus.

### **590.10 Change of Address**

Any licensed peer-to-peer driver shall notify the License Section of any change of address within thirty (30) days of such change. Failure to provide notice shall result in a one (1) day suspension for each day the change of address is not provided after the thirtieth (30) day.

### **590.11 Driver Standards**

(a) During the time that a peer-to-peer driver is logged on to the online application, any license officer shall have the power to inspect a peer-to-peer driver and the driver's vehicle upon any complaint or reasonable cause to suspect a violation of this Chapter.

(1) If, upon any inspection, a driver is found to be not in compliance with the standards established for drivers in the Chapter or in the rules and regulations adopted by the Board, the license officer shall impound the driver identification card of such driver, remove the decal, and notify the proper peer-to-peer company.

(2) If the driver desires to contest the action of the license officer, the driver must inform the license officer at the time the driver identification card is impounded. A formal complaint will then be filed by the license officer who will present the complaint to the Director. Such a request by the driver shall be deemed a waiver of the ten (10) day notice required by Section 585.15.

Any driver who requests a formal review shall be allowed to retain the driver's driver identification card and the right to drive pending action by the Director.

(b) No peer-to-peer driver shall engage in any of the following conduct:

(1) Operate, drive, or be in physical control of a peer-to-peer vehicle while under the influence of alcohol, a drug of abuse, or the combined influence of alcohol and a drug of abuse;

(2) Talk on a mobile/smart phone while operating, driving, or being in physical control of a peer-to-peer vehicle while a fare is in the vehicle;

(3) Text on a mobile/smart phone while operating or driving a peer-to-peer vehicle in violation of Section 2131.44 of the Columbus City Code;

(4) Operate or drive a peer-to-peer vehicle while wearing earphones, earbuds, or headsets over the ears or with a television, visible to the driver, operating in the vehicle;

- (5) Solicit or accept a passenger on the street or by any means other than through prearrangement on a peer-to-peer transportation network;
  - (6) Accept a cash fare from a passenger; or
  - (7) Permit a non-fare paying passenger (i.e., family member, friend, coworker, etc.) to occupy a peer-to-peer vehicle while a paying passenger is present in the vehicle.
- (c) Upon request, a peer-to-peer driver shall display to the Director, law enforcement and/or license officer a physical or electronic record of a ride in progress sufficient to establish that it was prearranged. To the extent that trip records are contained on electronic devices, peer-to-peer drivers are not required to relinquish custody of the device in order to make the required display.

### **590.12 Peer-to-Peer Transportation Network Vehicle Standards**

- (a) All peer-to-peer vehicles shall be reasonably clean and in safe condition so as not to cause personal injury to, or damage the clothing or possessions of, the passenger(s). Peer-to-peer drivers may only use passenger vehicles that have not been significantly modified from factory specifications (i.e., no “stretch” vehicles). Every peer-to-peer vehicle shall meet the following standards:
- (1) Have a minimum of three (3) doors;
  - (2) A working light within the passenger compartment;
  - (3) Manufacturer installed safety belts, which may be used at the option of the passenger, numbering no fewer than the maximum occupancy of the peer-to-peer vehicle;
  - (4) Must not require the movement of a seat or any portion of a seat to gain access to another seat, with the exception of a wheelchair specialty vehicle; and
  - (5) At the time of inspection, not older than ten (10) vehicle years as determined by the Vehicle Identification Number.
- (b) Peer-to-peer drivers shall be held criminally liable for using a vehicle that does not meet the standards set forth in Section 590.12(a) and has not passed a vehicle inspection pursuant to Section 590.13.

### **590.13 Vehicle Inspections**

- (a) The Director shall establish the criteria and the procedure for a reasonable inspection to be performed prior to initial licensing and prior to any renewal.
- (1) The Director shall provide all peer-to-peer transportation network drivers with a City of Columbus annual mechanical inspection form. The driver must have the vehicle inspected by an ASE certified mechanic that is not employed by the driver or peer-to-peer company and that does not have a vested interest in the management affairs of the driver and/or owner of the vehicle or peer-to-peer company. The inspection form must be signed and stamped by the ASE certified mechanic and submitted to the License Section with an original invoice and any defect repair paperwork.
- (2) The inspecting establishment shall provide a copy of the annual mechanical inspection form to the owner of the vehicle. The original form shall be submitted at the time of application prior to the issuance or renewal of a license pursuant to Section 590.04(c)(3).
- (3) All inspection criteria must be satisfactory prior to the approval of licensing. If any portion of the inspection is unsatisfactory, the vehicle owner shall cause the condition to be corrected and shall have the vehicle re-inspected by the original ASE certified mechanic.

(b) The Director shall make or cause to be made additional inspections of peer-to-peer vehicles at least once during the twelve-month period after initial licensure or at any other time at the discretion of the Director at no charge to the driver.

(1) If, upon any inspection, a vehicle is found to be unsafe, unclean, or unsightly, a license officer or law enforcement officer may remove the decal and direct that the vehicle be taken out of service until the vehicle is in compliance. Such vehicle taken out of service must be re-inspected at a cost of twenty-five dollars (\$25.00) per additional inspection and approved by a license officer before being returned to service.

(2) The license officer shall cause a memorandum of such inspection failure to be recorded on the record of the driver of said vehicle that is maintained by the License Section.

(3) The license officer shall provide the vehicle driver the cause(s) for failure in writing.

(c) After a vehicle successfully completes the inspection and pays a decal fee of ten dollars (\$10.00), the decal shall be issued by the Director and be affixed to the vehicle in an assigned location. The decal shall clearly indicate that the vehicle has received and satisfied the inspection.

#### **590.14 Grounds for Permanent Revocation, Revocation, and Suspension**

The Director may permanently revoke, revoke, or suspend the license of any licensed peer-to-peer driver for any of the following acts or omissions by the driver:

(a) Obtained a license by making a false statement on the driver's application, or upon misrepresentation or false statements in the driver's affidavit in applying for a duplicate peer-to-peer transportation network driver's license or driver identification card;

(b) Has become physically or mentally incapable of operating a peer-to-peer vehicle;

(c) The driver has been found in violation of misconduct, which includes, but is not limited to:

(1) Possessing or using any controlled substance, as defined in Section 3719.01 of the Ohio Revised Code, not specifically prescribed for the driver by a physician, or possessing any open intoxicating liquor container while in a peer-to-peer vehicle;

(2) Operating, driving, or otherwise being in physical control of a peer-to-peer vehicle where gambling is occurring regardless of whether the operator receives a percentage of the proceeds or not;

(3) Accumulating more than eight (8) points within a three (3) year period on the driver's Ohio Driver License. This shall apply whether the number of points was accumulated before the granting of a Peer-to-Peer Transportation Network Driver's License or while operating a peer-to-peer vehicle;

(4) Failing to report within twenty-four (24) hours any accident in which the licensee is involved to the appropriate law enforcement agency;

(5) Operating a peer-to-peer vehicle which is unclean or unsightly. If, upon inspection under Section 590.13, a vehicle is found to be in violation of this subsection, the Director shall cause a memorandum of the inspection failure to be placed on the record of the driver and a copy of the memorandum be sent to the appropriate peer-to-peer company;

(6) Picking up a passenger on airport grounds for the purpose of providing peer-to-peer services during a period for which the airport administrator or the administrator's designee has suspended the right of the driver to operate on those grounds, except that such driver may discharge a passenger at the airport if the trip has originated off airport property;

(7) Violating any driver standard in Section 590.11; with the exception of Section 590.11(a)(2) which will require a decision from the Director;

- (8) Being convicted of any criminal or traffic offense that would preclude a person from obtaining a Peer-to-Peer Transportation Network Driver's License in the application process;
- (9) Operating a peer-to-peer vehicle while not in compliance with the standards established for drivers in the rules and regulations adopted by the Board. Any reprimand for this subsection shall be recorded on the permanent record of the driver and a copy of the reprimand be sent to the appropriate peer-to-peer company;
- (10) Failing to appear before the Director when properly notified to do so;
- (11) Engaging in disruptive behavior or misconduct at a meeting of the Board. This includes, but is not limited to, the use of profanity, yelling, screaming, preventing a recognized speaker from speaking, and failing to follow the rulings of the chairperson;
- (12) Threatening or attempting to intimidate any employee of the City of Columbus for actions taken in the enforcement of the provisions of Chapters 585 through 594 of the Columbus City Codes; or
- (13) Engaging in any other form of misconduct, which constitutes a departure from the generally accepted practices of peer-to-peer drivers or which demonstrates personal characteristics rendering a person unsuitable to operate a peer-to-peer vehicle.

#### **590.15 Suspension by Director**

When a peer-to-peer driver presents an immediate danger to the health, safety, or welfare of the citizens of Columbus, the Director may immediately suspend the license of such person at the Director's discretion. When a driver is notified of the suspension, the driver shall surrender the driver's Peer-to-Peer Transportation Network Driver's License, driver identification card, and decal to the Director or the License Section. The License Section shall immediately contact the appropriate peer-to-peer company and have the driver's access to the peer-to-peer transportation network suspended immediately pending the conclusion of an investigation. Pending a decision by the Director, the License Manager may impose a temporary suspension for a period not to exceed twenty-four (24) hours. This temporary suspension shall not be extended by the License Manager.

A driver shall have the right of appeal to the Board of License Appeals of any such suspension in accordance with Section 505.06 of the Columbus City Code.

#### **590.16 Driving While Ohio Driver License is Suspended or Revoked**

Whenever a licensed peer-to-peer driver's Ohio Driver's License is under suspension, revocation, or has expired, the Peer-to-Peer Transportation Network Driver's License and access to the peer-to-peer transportation network shall be suspended or revoked for the same period of time.

#### **590.17 Return of License**

Upon the Director's refusal to grant renewal under the provisions of Section 590.06, or upon the Director's suspension, revocation or permanent revocation of any Peer-to-Peer Transportation Network Driver's License, the driver shall return to the Director the driver's Peer-to-Peer Transportation Network Driver's License. In the case that the license is no longer in the applicant's possession, the applicant shall file an affidavit with the Director stating that the license is no longer in the applicant's possession due to unintentional mistake or neglect. Failure to file such affidavit or to return the Peer-to-Peer Transportation Network Driver's License shall be punishable pursuant to the penalties contained in Section 590.99.

**590.18 Reapplications**

If an applicant has been denied a license or a driver's Peer-to-Peer Transportation Network Driver's License has been revoked, no new application shall be considered for a period of ninety (90) days. If the Peer-to-Peer Transportation Network Driver's License was revoked for driving a vehicle during a period for which the applicant's license had been suspended, as provided in Section 590.14, the applicant shall not be eligible to receive a new license for a period of one (1) year from the date of revocation. In cases of permanent revocation, the applicant is not eligible to reapply.

**590.99 Penalties**

(a) Whoever violates Sections 590.02, 590.11(b), 590.11(c), 590.12(b), 590.16, and 590.17 of this Chapter shall be guilty of a misdemeanor of the first degree. Any such violation shall constitute a separate offense on each successive day continued.

(b) A violation of any section of Chapter 590 shall be grounds for the suspension, revocation or permanent revocation of the Peer-to-Peer Transportation Network Driver's License, or in the case of a new application shall be grounds to refuse to issue such license for a determinate period of time up to ninety (90) days or permanently.

(c) Any violation of the rules and regulations promulgated by the Board pursuant to this Chapter shall be grounds for suspension, revocation or permanent revocation of the Peer-to-Peer Transportation Network Driver's License, or in the case of a new application shall be grounds to refuse to issue such license for a determinate period of time up to ninety (90) days or permanently.